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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

GORDON D. MEADOR,

Defendant and Appellant.

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In re

GORDON D. MEADOR  
on Habeas Corpus.

B173098

(Los Angeles County  
Super. Ct. No. BS083223)

(Los Angeles County  
Super. Ct. No. BH002436)

APPEAL from orders of the Superior Court of Los Angeles County, David S. Wesley, Judge. Dismissed in part and affirmed in part.

ORIGINAL PROCEEDING; petitions for a writ of habeas corpus. Denied.

Gregory L. Cannon, under appointment by the Court of Appeal, and Cannon & Harris for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On May 5, 2003, Gordon Meador filed a petition for a writ of mandate and declaratory relief in the superior court against the director of the California Department of Corrections. In it, he alleged that he is an inmate who was placed in administrative segregation pending a disciplinary proceeding and that through an “underground rule” the department prolonged his segregation by failing to conduct the disciplinary proceeding in a timely manner. Meador later requested that injunctive relief be granted on his petition. On December 11, 2003, the superior court denied the petition without prejudice on grounds that Meador had failed to exhaust administrative remedies, had failed to state facts sufficient to support relief, and had failed to submit a record adequate for review.

On September 17, 2003, Meador filed a petition for a writ of habeas corpus in the superior court, designated a “class action petition,” in which he alleged that prison officials had denied inmates the right to file grievances. On November 4, 2003, Meador filed a habeas petition in which he alleged that the prison appeals coordinator had refused to process one of his appeals. On November 5, 2003, the superior court consolidated the petitions and denied them for lack of a declaration or other evidence in support of the allegations.

On January 9, 2004, Meador filed a notice of appeal from the above rulings. We appointed counsel to represent him. On August 20, 2004, appointed counsel filed an opening brief in which no issues were raised. (*People v. Wende* (1979) 25 Cal.3d 436, 441–442.) On September 8, 2004, we notified Meador that he could personally submit any arguments, contentions or issues that he wished us to consider. Also on September 8, Meador filed a request that counsel be relieved. We denied Meador’s request on September 14. Meador has not filed any arguments in response to our letter of September 8.

A defendant may not appeal the denial of a habeas corpus petition; rather, a new petition must be filed in the appellate court. (*In re Clark* (1993) 5 Cal.4th 750, 767, fn. 7; *In re Hochberg* (1970) 2 Cal.3d 870, 876.) Accordingly, Meador’s appeal from denial of

his consolidated habeas petitions is dismissed.<sup>1</sup> Nevertheless, in the interests of judicial economy we shall exercise our discretion to treat Meador's appeal as including original petitions for a writ of habeas corpus in this court and review the petitions on their merits.

We have examined the entire record provided to this court and are satisfied that no arguable issues exist on appeal and that Meador's petitions for a writ of habeas corpus do not state adequate grounds for relief.

### **DISPOSITION**

The appeal from the order denying the consolidated petitions for a writ of habeas corpus is dismissed. The order denying the petition for a writ of mandate is affirmed. The petitions for a writ of habeas corpus are denied.

NOT TO BE PUBLISHED.

MALLANO, Acting P. J.

We concur:

VOGEL, J.

SUZUKAWA, J.\*

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<sup>1</sup> In contrast, denial of a petition for a writ of mandate may be appealed. (See *Bloom v. Municipal Court* (1976) 16 Cal.3d 71, 74–75; *Silver v. Los Angeles County Metropolitan Transportation Authority* (2000) 79 Cal.App.4th 338, 347, fn. 4.)

\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.